

ORIGINAL

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

RECEIVED

JUN 24 1996

Federal Communications Commission
Office of Secretary

In the Matter of)

Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations)
(Turrell and Wilson, Arkansas))

RM-

DOCKET FILE COPY ORIGINAL

To: Chief, Policy & Rules Division
Mass Media Bureau

PETITION FOR RECONSIDERATION

Pollack Broadcasting Company, by its attorneys, hereby petitions for reconsideration of the return, by letter from the Chief of the FCC's Allocations Branch on May 23, 1996, of the Amended and Restated Petition for Rule Making (the "Petition") seeking a change in the present allotment of FM station KAFW, Channel 234A, Wilson, Arkansas, to the community of Turrell, Arkansas, as its first local aural transmission service.

The Petition represents half of a plan for changes in the cities of license of two stations owned by Pollack Broadcasting Company in eastern Arkansas. The other half is represented by an application to change the city of license of AM station KOSE, Osceola, Arkansas (also owned by Pollack Broadcasting Company) to Wilson, Arkansas.

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Informal discussions with the staff of the Commission's Audio Services Division indicate that this application will be accepted for filing and placed on a cut-off list very shortly.

The letter dated May 23, 1996 from the Chief of the Allocations Branch states that "the reallocation of Channel 234A to Turrell would appear to result in the deprivation of Wilson's only authorized local aural transmission service without a commensurate public interest benefit." This statement ignores the fact that Pollack Broadcasting Company has applied to change the city of license of KOSE to Wilson.¹ (A copy of that application is attached hereto for the convenience of the staff of the Policy & Rules Division.)

The change in the city of license of KOSE(AM) from Osceola to Wilson is not speculative. Pollack Broadcasting Company has made a definitive commitment to effectuate that change as soon as it is authorized by the Commission's Audio Services Division. The fact that this matter is pending before the Audio Services Division does not render it speculative, as there is no reason why the Audio Services Division should be blind as to the merits of Pollack Broadcasting Company's overall reallocation plan. Indeed, the only reason why the proposal could possibly be rejected would be an apprehension on the part of the Audio Services Division that the Policy & Rules Division might reject the Amended and Restated Petition for Reallocation of Channel

¹ Within the past few weeks, Pollack Broadcasting Company filed an application to assign the license for KOSE to a third party, who has agreed to continue with the change in its city of license.

234A from Wilson to Turrell.² Such intransigence by two different sectors of the Commission would place Pollack Broadcasting Company in an intolerable "Catch 22" situation.

The May 23 letter cites Oxford and New Albany, Mississippi, 3 FCC Rcd 615 (1988) [later case history omitted] for the proposition that "Commission policy does not provide for the acceptance of contingent proposals based on speculative results." The reference is to footnote 2 in the Oxford decision, with the deletion of the words "particularly where the proceeding is contested." However, that holding related to the rejection of a late-filed counterproposal in a contested rulemaking. If it had been timely filed, it would have been acceptable for consideration in the Oxford rulemaking with the set of other proposals at issue there.

Here, Pollack Broadcasting Company's proposal is not late-filed, nor is this a contested proceeding. Moreover, it must be acknowledged that the Commission accepts contingent proposals all the time in the sense that a change in one station's channel

² That is, the entire plan clearly represents a preferential arrangement of channel allotments, but each half of the plan, when viewed in isolation, has obvious flaws. Without considering the benefits of the proposed first aural service in Turrell, the proposal to place a "second" local aural service in Wilson (whose population is only one eighth that of Osceola) would appear less advantageous than leaving that second service in Osceola, with Wilson continuing as the community to have but one service. The real public interest benefits of Pollack Broadcasting Company's plan are correctly perceived only when all parts of the plan are considered together. If the Policy and Rules Division has difficulty understanding this point, Pollack Broadcasting Company hereby requests that it refer this matter to the Chief of the Mass Media Bureau, who has jurisdiction over both the Audio Services Division and the Policy and Rules Division.

class or frequency is of necessity contingent on a change in the channel class or frequency of another station somewhere else. The fact that the other component of Pollack Broadcasting Company's plan requires action by another segment of the Mass Media Bureau does not render that plan impermissibly contingent. As the Commission continues to "reinvent" itself, it is difficult to accept the concept that one Division of the Bureau would be incapable of coordinating its actions with another Division in order to arrive at a result consistent with the plain public interest.

In this regard, it should be noted that KAFW is not yet on the air. Thus, the change from Wilson to Turrell will not involve the removal from Wilson of a service to which the public has already become accustomed.

Not only is Pollack Broadcasting Company itself committed to effectuate the changes reflected in this plan, but it has contractually bound the proposed assignee of KOSE to follow through with the change in the city of license of AM station KOSE. Thus, the Commission not only has the assurance that the parties plan to proceed in this matter, but the additional assurance of a contractual covenant which the assignee is bound to honor. Further, the Commission should consider that no new construction is required in order to change the city of license of AM station KOSE from Osceola to Wilson. KOSE already covers Wilson with a 5 mV/m contour. Therefore, it will not be necessary to construct a new transmitting facility in order to effectuate the

change. All that will be necessary is the submission on FCC Form 302 to confirm the change. That will be done promptly upon a grant of the pending AM application.

Further, the May 23 letter states that "the amended and restated petition does not reflect the petitioner's intention to apply for Channel 234A if it should be reallocated to Turrell, as requested." On the contrary, the Petition specifically stated that "Pollack Broadcasting Company requests modification of the authorization for station KAFW(FM) to specify Turrell, Arkansas as its community of license, pursuant to Section 1.420(i) of the Commission's Rules." Petition at 2.

The fact that Pollack Broadcasting Company was requesting a modification of the authorization for KAFW, and not merely a change in the table of allotments, clearly indicates that Pollack Broadcasting Company would continue with any further steps required to complete the modification of its authorization to change the city of license as requested. Pollack Broadcasting Company has a continuous record, lasting substantially more than a decade, of having fulfilled every order issued to it by the Commission and every commitment made to the Commission.³

Indeed, Pollack Broadcasting Company was unaware that it would have any choice but to file an application on FCC Form 301 to change the city of license of

³ The one exception has been where unforeseen circumstances, i.e., the allotment proceeding that changed the channel class of KAFW, have prevented it from doing so. See Earle, Pocahontas and Wilson, Arkansas, 10 FCC Rcd 8270 (Alloc. Br. 1995). Pollack Broadcasting Company could not construct KAFW at the transmitter site originally proposed for Channel 279A because that site was short spaced under the spacing criteria applicable to Channel 234A.

KAFW to Wilson once the Policy & Rules Division issued a Report and Order changing the channel allotment and ordering such an application filing. The failure to comply with such a Commission directive would, in the view of the petitioner, have risked Pollack Broadcasting Company's ability to make the very change it has gone to so much trouble to prosecute, if not the very KAFW authorization itself.

Nevertheless, in order to remove any lingering ambiguity, Pollack Broadcasting Company hereby **expressly and unequivocally** states that, once the Policy & Rules Division issues a Report & Order changing the channel allotment of KAFW from Wilson to Turrell, Pollack Broadcasting Company will promptly file an application with the Commission's Audio Services Division to effectuate that change.

As mentioned above, the Commission's Audio Services Division has sensibly agreed to place the application to change the city of license of KOSE on a "cut-off" list without further delay. At a minimum, it makes sense for the Policy & Rules Division to accept Pollack Broadcasting Company's proposed change in the allotment of KAFW promptly, and to make it the subject of a notice of proposed rule making, so that any party who may harbor objections to the plan may air them in both forums at the same time.

A failure to proceed with positive action on the petition for rule making could only result in a delay in the time when Pollack Broadcasting Company will be able to construct KAFW at a site that will provide optimum coverage of Turrell and the

surrounding area. Pollack Broadcasting Company is most anxious to complete construction of KAFW, but cannot afford the gross waste of building in one location only to abandon tower footings, transmitter building and related assets a short time later in connection with the move to Turrell.

Pollack Broadcasting Company would accept a condition in the Report & Order changing the KAFW allotment to the effect that Pollack Broadcasting Company defer effectuation of the change until the Commission's Audio Services Division grants the application to change the city of license of KOSE(AM) to Wilson, if the Policy & Rules Division finds it advisable to impose such a condition. However, Pollack Broadcasting Company submits that such a condition is unnecessary in light of the applicant's firm intent to proceed promptly with all parts of its reallocation plan as soon as the Commission permits any portion of the plan to move forward.

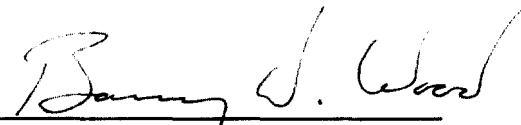
The overall plan proposed by Pollack Broadcasting Company plainly would result in a preferential arrangement of allotments. No community would be deprived of its sole local aural transmission service. A new community, Turrell, would gain a first local aural transmission service.

Therefore, Pollack Broadcasting Company urges the Policy & Rules Division to accept the April 12 Amended and Restated Petition for Rule Making, to issue a Notice of Proposed Rule Making for the reallocation of KAFW from Wilson to Turrell, and,

following public comment, to issue a Report & Order changing the channel allotment of KAFW from Wilson to Turrell.

Respectfully submitted,

POLLACK BROADCASTING
COMPANY

By: 
Barry D. Wood
Mark A. Brinton

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Its Attorneys

June 24, 1996

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FEB 23 1996

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February 23, 1996

DUPLICATE

William Caton, Secretary
Federal Communications Commission
Mass Media Bureau
P. O. Box 358190
Pittsburgh, Pennsylvania 15251-5190

Re: Pollack Broadcasting Company
KOSE(AM), Osceola → Wilson, Arkansas
Application to Change City of License

Dear Mr. Caton:

On behalf of our client, Pollack Broadcasting Company, there is transmitted herewith, in triplicate, an application on FCC Form 301 for a construction permit to modify the FCC authorization to operate AM radio broadcast station KOSE, Osceola, Arkansas, so as to change the station's city of license to Wilson, Arkansas.

This application is being submitted in conjunction with a petition for rule-making to change the city of license of FM station KAFW, Wilson, Arkansas, to Turrell, Arkansas. The net effect of the two proposals will be to afford a first local transmission service to each of these three communities, whereas only two of them (Osceola and Wilson) have a local aural transmission service now.

Also enclosed is a check payable to the FCC in the amount of \$2,590 for the requisite filing fee.

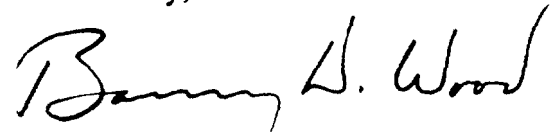
Note that no changes in the technical facilities of the station are contemplated as part of this proposal, nor does KOSE utilize a directional antenna. Accordingly, this application involves none of the extensive engineering time

William Caton
February 23, 1996
Page 2

normally needed for Commission review of an AM major change application. Therefore, the applicant reserves the right to seek a refund of or reduction of the enclosed fee, through a separate request to be filed with the appropriate Commission office.

If there are any questions concerning this submission, please contact the undersigned.

Yours truly,



Barry D. Wood
Counsel for Pollack
Broadcasting Company

Enclosures

FOR
FCC
USE
ONLY

**APPLICATION FOR CONSTRUCTION PERMIT
FOR COMMERCIAL BROADCAST STATION**

FOR COMMISSION USE ONLY

FILE NO.

Section 1 - GENERAL INFORMATION

1. APPLICANT NAME

Pollack Broadcasting Co.

MAILING ADDRESS (Line 1) (Maximum 35 characters)

105 Mysen Circle

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)

CITY

Cordova

STATE OR COUNTRY (If foreign address)

TN

ZIP CODE

38018-9164

TELEPHONE NUMBER (Include area code)

(901) 753-0768

CALL LETTERS

KOSE (AM)

OTHER FCC IDENTIFIER (If applicable)

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1 - GENERAL INFORMATION B.

2. A. Is a fee submitted with this application?

☒ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) and go to Question 3.

☐ Governmental Entity

☐ Noncommercial educational licensee

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (If required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)	M U R	0 0 0 1	\$ 2,590.00	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A)	(B)	(C)	FOR FCC USE ONLY
(2)		0 0 0 1	\$	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

**TOTAL AMOUNT REMITTED
WITH THIS APPLICATION**

\$ 2,590.00

FOR FCC USE ONLY

3. This application is for: (check one box)

☒ AM

☐ FM

☐ TV

(b) Channel No. or Frequency

860 kHz

**(b) Principal
Community**

City

Wilson

State

AR

Section I - GENERAL INFORMATION (Page 2)

(c) Check one of the following boxes:

- ☐ Application for NEW station
- ☒ MAJOR change in licensed facilities call sign: KOSE (AM)
- ☐ MINOR change in licensed facilities call sign: _____
- ☐ MAJOR modification of construction permit call sign: _____
- File No. of construction permit: _____
- ☐ MINOR modification of construction permit call sign: _____
- File No. of construction permit: _____
- ☐ AMENDMENT to pending application: Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

4. Is this application mutually exclusive with a renewal application?

☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

POLLACK BROADCASTING COMPANY

- 1 Applicant is (check one box below) This section is not applicable since no change in the ownership of the licensee is proposed, and the applicant already holds the license for this station. The application contemplates only a change in the city of license of KOSE(AM).
- ☐ Individual ☐ General partnership ☐ For-profit corporation
- ☐ Other ☐ Limited partnership ☐ Not-for-profit corporation
- 2 If the applicant is an unincorporated association or a legal entity other than an individual partnership, or corporation, describe in an Exhibit the nature of the application. Exhibit No.

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

- 3 If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g. a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation, by date and place of filing):

Date _____ Place _____

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

- 4 Are there any documents, instruments, contracts or understandings (written or oral, other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures? ☐ Yes ☐ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement. Exhibit No.

- 5 Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station. ☐ Yes ☐ No

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 803-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant? ☐ Yes ☐ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant. ☐ Yes ☐ No

Section IV-A - PROGRAM SERVICE STATEMENT

Attach as an Exhibit a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.

1

Section IV-B - INTEGRATION STATEMENT not applicable -- see Bechtel v. FCC.

Attach as an Exhibit the information required in 1 and 2 below.

Exhibit No.

1. List each principal of the applicant who, in the event of a grant of the application on a comparative basis, proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.

2. State with respect to each principal identified in response to Item 1 above, whether the applicant will claim qualitative credit for any of the following enhancement factors:

(a) Minority Status

(b) Past Local Residence

If Yes, specify whether in the community of license or service area and the corresponding dates.

(c) Female Status

(d) Broadcast Experience

If Yes, list each employer and position and corresponding dates.

(e) Daytime Preference

(f) Civic activities

If Yes, describe the activities, specify whether in the community of license or service area, and state the corresponding dates.

Section V-A - AM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. _____

ASB Referral Date _____

Referred by _____

Name of Applicant **POLLACK BROADCASTING COMPANY**

1 Purpose of Application: (check all appropriate boxes)

☐ Construct new station

☒ Make changes in authorized/existing station

Call Sign **KOSE (AU)**

☒ Principal authorized/licensed community

☐ Hours of operation

☐ Frequency

☐ Transmitter location

☐ Power

☐ Filed in compliance with an Allotment Plan to migrate to the expanded band

☐ Main studio location

Allotment Number _____

☐ Antenna system/including increase in height by addition of IE or LE antenna

☐ New antenna construction

☐ Alteration of existing structure

☐ Increase height

☐ Decrease height

☐ Non-DA to DA

☐ DA to Non-DA

☐ Other (Summarize briefly the nature of the changes proposed)

2 Principal community to be served:

State AR	County Mississippi	City or Town Wilson
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3 Facilities requested:

Frequency: **860** kHz

Hours of Operations _____

Power: Night: **.02** kW Day: **1** kW Critical time: _____ kW

Class of Station (A,B,C or D) **C**

☐ Stereo

☐ Monaural

4 Transmitter location:

State	County	City or Town
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Exact antenna location (street address). If outside city limits, give name of nearest town and distance (in kilometers), and direction of antenna from town.

Geographical coordinates (to nearest second). For directional antenna give coordinates of center of array. For single vertical radiator give tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	Longitude
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SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

N/A

☐ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 896-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580?

☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose? N/A - No change in transmitting tower location or other technical facilities.

☐ Yes ☐ No

Exhibit No

If No, attach as an Exhibit a full explanation.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted _____

Telephone No. (include area code) _____

Person contacted: (check one box below)

☐ Owner

☐ Owner's Agent

☐ Other (specify) _____

4. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862 or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

☒ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 316 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

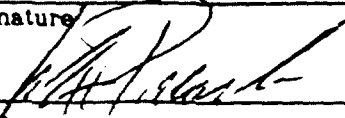
The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission through amendments of any substantial and significant changes in information furnished.

SECTION VII - CERTIFICATION (Page 2)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Pollack Broadcasting Co.	Signature 
Date 2/19/96	Title Vice President

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of the application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 72 hours 40 minutes to 347 hours 25 minutes with an average of 213 hours 32 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Information Resources Branch, Room 418, Paperwork Reduction Project, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

**Pollack Broadcasting Company
KOSE(AM), Wilson, Arkansas
FCC Form 301
January, 1996**

EXHIBIT 1

PROGRAM SERVICE STATEMENT

In the instant application, Pollack Broadcasting Company proposes to change the city of license of AM radio broadcast station KOSE from Osceola, Arkansas to Wilson, Arkansas. Osceola will continue to receive primary service from station KOSE-FM, which is also owned by Pollack Broadcasting Company.

Once AM station KOSE is licensed to Wilson, Arkansas, Pollack Broadcasting Company will provide programs responsive to the problems, needs and interests of Wilson as well as the remainder of the service area.

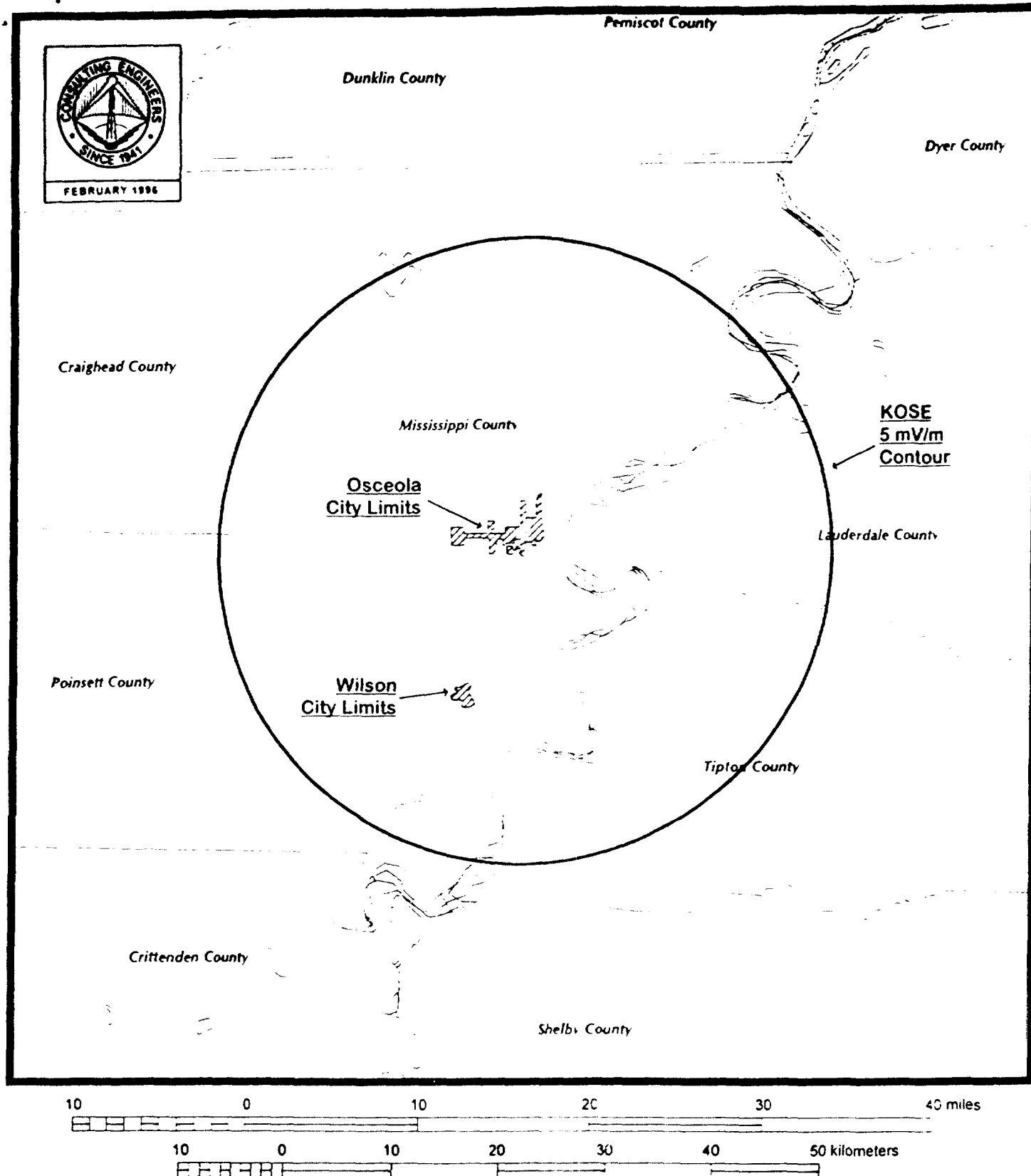
This application is being submitted in conjunction with a petition, filed December 6, 1995, for a rulemaking proceeding to revise Section 73.202(b) of the Commission's Rules. The purpose of the petition is to change the city of license of FM station KAFW, Wilson, Arkansas, to the community of Turrell, Arkansas.

Through a grant of the instant application, the community of Wilson will continue to have a local aural transmission service. No change in the physical facilities of KOSE(AM) is proposed or necessary, as the present KOSE(AM) operation places a principal city contour over Wilson. A copy of the map showing the location of the station's 5 mV/m coverage is attached as Appendix A hereto.

The proposed change in the city of license of KOSE would become effective upon a grant by the Commission of the planned change in the city of license of station KAFW.

The public interest benefits of the proposed change in the cities of license of these stations is detailed in the petition for rulemaking, a copy of which is attached hereto for the convenience of the Commission's staff as Appendix B. The petition is hereby incorporated in this application by this reference.

Figure 1



PREDICTED KOSE(AM) 5 MV/M COVERAGE OF WILSON
POLLACK BROADCASTING COMPANY, INC.
TURRELL, ARKANSAS
du Treil, Lundin & Rackley, Inc. Sarasota, Florida

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b))	RM-
Table of Allotments,)	
FM Broadcast Stations)	
(Turrell and Wilson, Arkansas))	

To: Chief, Policy & Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

Pollack Broadcasting Company, Inc. ("PBC") is the permittee of FM radio broadcast station KAFW, Channel 234A, Wilson, Arkansas. PBC, by its attorneys, hereby petitions for a change in the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, to specify Turrell, Arkansas as the city of license for FM Station KAFW.¹

The 1990 census population of Turrell was 988. Turrell is located in eastern Arkansas, approximately 18 miles southwest of Wilson.

Turrell is an incorporated municipality with an elected mayor. In addition, it has its own police department and water department. It has two grocery stores and four churches.

¹ PBC recently filed an application for modification of the KAFW construction permit to specify operation on Channel 234A. Channel 234A was substituted for Channel 279A by the Commission's recent Report and Order, 10 FCC Rcd 8270 (Alloc. Br. 1995), in MM Docket No. 93-259.

Accordingly, Turrell satisfies the Commission's criteria for finding that a community qualifies as such for the purpose of making it the city of license of a radio station.

The populations of Turrell and of Wilson are each approximately 1000, so no difference in allotment priorities flows from the respective size of the communities. Neither Turrell nor Wilson is part of an Urbanized Area

This allotment change would provide Turrell with its first local transmission service. At the same time, Wilson would not lose service. This petition is submitted in conjunction with a commitment on the part of the petitioner to seek to change the city of license of AM radio broadcast KOSE from Osceola to Wilson. Osceola would retain a local service of its own in the form of station KOSE-FM.² Thus, these proposed changes will preserve local transmission service in Osceola and Wilson, while providing a first such service for Turrell.

Accordingly, PBC hereby requests that the Commission issue, pursuant to notice and comment, a report and order modifying the FM Table of Allotments so as to change KAFW's city of license from Wilson, Arkansas, to Turrell, Arkansas, in accordance with the following table:

² PBC is the owner of station KOSE-FM, Osceola, Arkansas (formerly known as KAFW). Last year, PBC initiated program tests over KOSE-FM, thus providing Osceola with its first local FM transmission service.

	<u>Present</u>	<u>Proposed</u>
Wilson, Arkansas	234A	[KOSE (AM)]
Turrell, Arkansas		234A
Osceola, Arkansas	297A	297A

Respectfully submitted,

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